IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.674 OF 2005

Nitin Sampat Kudke ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. Niranjan Mundargi, for the Applicant.

Mr. V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

15th February 2005

P.C.;

. Heard Counsel for the parties. The Applicant has been arrested in connection with CR.No.I-134/2004 registered with Satpur Police Station, District Nashik, on the basis that the Applicant arrived on the scene of offence in red coloured tempo and assisted the co-accused in taking away the stolen property in that tempo.

However, the tempo, which has been seized from the Applicant purportedly owned by him and being driven by him is of entirely different colour (blue). There is no explanation forthcoming with regard to this discrepancy. No identification parade has been conducted. If it is so, the Applicant is entitled for bail. Taking overall view of the matter, the Applicant is directed to be released on bail on strict conditions as follows.

(a) The Applicant is granted bail in connection with CR.No.I-134/2004 registered with Satpur Police Station, District Nashik, on his executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five thousand only) with two local sureties in the like amount.

(b) The Applicant shall report to the concerned Investigating Officer once a week on Saturday, between 10 a.m. to 2 p.m. till the filing of the charge sheet or on such other date, time and place as may be called upon by the investigating

officer.

(c) The Applicant shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall co-operate with the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicant is in any way responsible for delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)